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11 CONSTITUTION & BY-LAWS of Abington Association of Settlers.

At a numerous meeting of the inhabitants on the upper Des Plaines river held pursuant to notice, at Independence Grove, on Friday the 24 Dec. 1838, Samuel Brooks Esq. in the chair, Geo. Kimball Esq. Secretary.—A committee consisting of N. Landon, S. Brooks, and W. Jones, was appointed to present Resolutions and Regulations; the following on being reported, were unanimously adopted.

WHEREAS the unsurveyed government lands, situate between Indian Creek and the north boundary of the state, lying on and in the vicinity of the Des Plaines river, have within the last three years become thickly settled, and fresh settlers are daily coming in and seeking a residence and location in the same neighbourhood—many unwilling to encroach on the hitherto respected boundaries of older settlers, others with a too manifest intention of occupying land for the sole purpose of speculation, and some who seem desirous of retaining for their exclusive advantage a larger proportion of Wood-land and Prairie than appears necessary for a farmer on the largest scale of calculation.

Many new settlements, under similar circumstances, have adopted resolutions for the purpose of defining the extent of land which each settler may hold, and for protecting others in the quiet possession of their claims, and for this purpose have entered into mutual compact and agreement to carry such resolutions into effect.

It appears to your Committee upon reading the notice for convening this meeting, that no time should be lost in pursuing such measures as the present situation of the settlement seems to demand, as well for the maintenance and promotion of harmony in the neighbourhood, as for the encouragement of respectable actual settlers among us.

1. Resolved, that it is expedient and necessary to adopt measures by which the settlers in this section of the country may be protected from encroachments, and their claims upon lands better defined, to encourage and protect those who wish to come and reside among us.

2. Resolved, that it is expedient to prevent individuals from taking up and holding larger claims on lands, than themselves and families can cultivate, and that no one individual shall hold more than one section.

3. Resolved, that it is necessary for the advance and well being of this settlement, to prevent the holding claims on land solely for the purpose of speculation.

4. Resolved, that the following Regulations be adopted by the meeting for the purpose of carrying into effect the foregoing resolutions.

Regulations.

I. That the country in the vicinity of the Des Plaines river, between Indian Creek and the north boundary of this state, be divided into three sections, viz. The first section commencing at Indian Creek and extending northward to Independence Grove inclusive. The second section extending from Independence Grove to Mr. Lovejoy's tavern inclusive. The third section extending thence northward to the north boundary of the state.

II. That there be three Commissioners appointed for each section, (to serve for one year and each after a reelection shall take place) who shall have full and exclusive power, and whose duty it shall be at the request of any one, to establish and protect each and every settler in his, her, or their just and equitable claim or claims on lands, and

decide all difficulties concerning the same, and to establish the lines and boundaries thereof.

III. That the decision of said Commissioners or two of them shall be final, unless within two days an appeal be made by either of the parties to the inhabitants of the Section in which the claim may be: in which case it shall be the duty of said commissioners, or either of them, immediately upon notice of such appeal, to convene a meeting of the settlers resident in such section, for the purpose of obtaining their decision on the matter in dispute.

IV. That the inhabitants of each and all the said sections shall be bound, at all times, to carry into effect the orders or decisions of said commissioners or any two of them concerning any claims or rights of persons relating to any claim or claims.

V. That if a person shall neglect or refuse to assist when required, to carry into effect any order or decision of said commissioners, or any two of them, or to carry into effect any final decision after an appeal, he shall be considered inimical to justice and good order, and shall be treated accordingly.

VI. That there shall be a Clerk appointed for one year, (and eligible for reelection) to keep a book to register the proceedings of this meeting, and the claims of each claimant within the 3 Sections, which shall be kept for the inspection of any person at all times.

VII. That it shall be the duty of each claimant to procure a certificate of the commissioners or any two of them, residing in the section where the said claim may be, and file the same with the Clerk for registration, then and there only, shall his, her, or their claim be established.

VIII. That the said Commissioners or any two of them, may call a meeting of the settlers, at any time they may see fit.

IX. That the said Commissioners be at liberty to demand and receive for their services for establishing each claim, including the corner posts, not less than two, and not more than five dollars.

X. That every one wishing to avail himself of the benefit of the foregoing Resolutions and Regulations, shall subscribe his name to the same, and omitting to do so shall derive no advantages resulting from the provisions thereof.

XI. Resolved, that all who hold claims at the present time shall register their respective claims within two months, and that all new comers shall register within three months after making their claims.

Signed

SAMUEL BROOKS. Ch'n.

At a meeting of the commissioners of the Abington Association 12, Feb. 1837, at the house of S. Brooks, the following East and West boundaries were established—For the 1st Section, the western boundary of Mr. Fenwick's claim on Diamond Lake, the eastern boundary two miles east of the river Des Plaines. For the 2d Section, the western boundary of Round Lake, or as it is sometimes called, Munger's Lake,—the eastern boundary, Lake Michigan. For the 3d Section, west boundary, Fox River,—east boundary Lake Michigan.

The Constitution of the 'Union of Settlers in Lake County, Indiana and of the 'Big Woods, Fox River,' were read, and it appearing that certain clauses therein ought to be contained in our Constitution, it was resolved to submit the following resolutions to a general meeting of the settlers.

I. Resolved, that in the event of the Land occupied by any settler belonging to this Association being offered for sale by Government, or in the event of the the whole country being so offered for sale by auction, the Commissioners of each section shall convene a general meeting for the purpose of appointing a bidder for each township, whose duty it shall be to bid off in the name of the settler every claim offered for sale, and that every settler shall be required to attend such sale daily, and so long as it may continue, for the purpose of supporting the bidder, and for aiding each other in obtaining their lands at government price.

II. That for the better protection of the settler, in his established and registered claims, it is agreed upon by all whose names are hereunto subscribed, that they do at this time fully and firmly bind themselves, their heirs, executors, and assigns, in the penal sum of 5000 dollars to release to each other, by good and sufficient deed, of release and conveyance, every such portion of land which, at the general Government survey, shall happen to exceed the lines or boundaries established by the Commissioners of the Association, it being fully agreed and understood by every member thereof, that the present lines established by their own Commissioners, are to be the final and determinate boundary of their claims, notwithstanding any difference to the contrary which the Government survey otherwise would effect.

III. That every member of this association does hereby bind himself to contribute his due and proportionate share of the expenses incurred in defending or prosecuting all suits at law or equity in which any member may be engaged, in consequence of obeying or carrying into effect the decisions or orders of the Commissioners according to the 14th. regulation of the Constitution of 2d Dec. last, and that all such suits shall be commenced, defended, and carried on, solely under the direction of the nine Commissioners.

IV. That in every transfer of a claim, or any portion thereof, a fresh certificate shall be taken from the Commissioners and registered with the Clerk.

V. That every settler leaving his claim for six months and neglecting for that time to improve it, shall be considered as having abandoned it, and said claim shall be open for any one to settle upon, unless the Commissioners have given an extension of time.

VI. That no one possessing a claim and residing elsewhere, shall be privileged to call the Commissioners of either Section, to establish him in one within the boundaries of this settlement, a permanent residence, being in all cases required.

VII. That this association shall be called the Abington Association of Settlers.

VIII. That where a claim is made on the line between districts, and a part of the same lying in each district, the inhabitants shall exercise control over it in whose district a greater part of it may be.

At a meeting of Abington Association of settlers, Jan. 13, 1838—

Resolved, That the 3d section be divided, and that the D & H River be the west boundary of the 3d, and Fox River that of the 4th. Resolved, That the Regulations of 2d Dec. 1836, and the words "or any two of them" in the 4th and 5th regulations be repealed, and that by vote of this general meeting, such regulation and words are hereby rescinded.

Resolved, That the Com's of each section shall have jurisdiction in their own section alone, unless an appeal be made by either of the parties, interested in a decision, in which case, all the Commissioners shall be convened for the purpose of hearing evidence, and that the 3 Com's (before whom any case shall be brought which is appealed from) shall within 3 days give notice to their colleagues in office, whose duty it shall be to meet within 6 days of such notice, and in the event of one or more Com's being absent, it shall be competent for those who do meet to nominate others for the time being, that no unnecessary delay in coming to a decision take place. Each appellant or party aggrieved, shall take round the notices, both to the Com's and settlers, and in the event of the 12 Com's not agreeing, the Secretary is to be called in and give the casting vote.

Resolved, That any member of the Association, who shall refuse to attend to any order or decision of the Com's requiring his assistance in protecting another in his registered and just claim or claims, shall not be entitled to call upon the Com's to protect himself in the event of aggression or trespass from another.

Resolved, That such Com'r who shall attend to settle an appeal, be entitled to one dollar for each day of his attendance, and that all fees in cases of appeal be paid in advance by both parties into the hands of one of the Com's, in whose section the disputed claim may be, &

that the Com'r pay back the fee to the party entitled to the claim.

Resolved, That it shall be the duty of the Com'rs of each section, to give notice to the Secretary of every claim within their jurisdiction, which is (or becomes) vacant or forfeited under the regulations of the society, and that the Secretary be required to give information of such claims to all inquirers after localities.

Resolved, That no minor shall hold a claim within the 4 Sections of the Association, under 18 years of age, and that the Com'rs exercise their discretion, as to the quantity of land, in granting certificates to such minors. ||

At a General Meeting of Abington Association of Settlers at the house of John E. Clarkson, 13th Jan. 1839, the following officers were appointed for the present year: Jared Gage, Clk; Geo. Gage Tr'r.

Com'rs 1st Sect. Dr. J. H. Foster, M'cKinstrie, Oliver Payne.

Com'r 2d Sect. Willard Jones, Oliver B. Smith, Samuel Brookes.

Com'rs 3d Sect. Nelson Landon, Th. W. Nichols, Sam. P. Ransom.

Com'rs 4th Sect. G. T. Haynes, Hiram Butrick, D. M. Clarkson.

On motion of Mr. Landon, it was

Resolved, that the Treasurer give good and sufficient security:

2d. Resolved, that the three Com'rs residing in the same section, with the Treasurer, be judges of the sufficiency of the security.

3. That the Com'rs of each section be furnished with a copy of the Constitution and By-Laws by the Secretary.

5th. That any member of this Association who is detected aiding & assisting in jumping the claim of a registered settler, shall thereby deprive himself of the protection, the compact affords.

6th. That all members contribute fifty cents, who have not done so already, within three months, toward creating a fund to meet the necessary expenses of the Association.

7th. That the Commissioners be authorized to collect the above-named fund and pay it into the hands of the Treasurer.

8th. That the 11th Resolution of the 2d Dec. 1836, be amended to this effect,—That all who do not comply therewith shall lose the protection of the Association.

9th. That all disbursements be made by check on the Treasurer signed by the three com'rs for general purposes, and countersigned by the Secretary

10th. That the com'rs for general purposes, be controled in all their proceedings, and disbursements, by the twelve com'rs of the association.

Resolved, that all claims reported as vacant, shall be signed by two com'rs of the section in which said claim may be, and that the amount of all improvements be stated.

Resolved, that this Meeting adjourn to the 4th day of July next to the Mill Creek School House.

The second Resolution on p. 6 should be corrected, both in the print and copy, so as to read: }

Resolved, that in the Regulations of 2d Dec. 1836, the words "or any two of them" in the 4th and 5th regulations, be repealed, and that by vote of this general meeting, such words are hereby rescinded.

